

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MAURICE A. PAPILLION, SR.

Plaintiff,

No. CIV S-05-0708 CMK

vs.

JO ANNE B. BARNHART,  
Commissioner of Social Security,

ORDER

Defendant.

On July 19, 2006, the court ordered plaintiff to show cause, in writing, with ten days why this action should not be dismissed for failure to prosecute. On July 24, 2006, plaintiff responded to the order to show cause. In his one page response, plaintiff asserts that he was not aware that he had to file a motion for summary judgment and that he still wants to prosecute this case. He requests that, if a motion for summary judgment and/or remand is required, the court consider his one page response to be a motion for summary judgment and/or remand.


Plaintiff has filed this appeal in federal court. While the court understands that plaintiff is proceeding without an attorney, it is not the responsibility of the court to remind plaintiff of court deadlines and instruct him on filing motions. Plaintiff was advised in the scheduling order of the requirement to file a motion for summary judgment. (Doc. 5). Plaintiff was also advised of what a brief in support of a motion for summary judgment should contain.

1 (Doc. 5, 3:5-21.) In light of plaintiff's pro se status, the court will allow plaintiff thirty days to  
2 file a motion for summary judgment and supporting brief. If plaintiff fails to file such motion,  
3 the court will recommend that this case be dismissed for lack of prosecution and failure to follow  
4 court orders. See Fed. R. Civ. P. 41(b) and Local Rule 11-110.

5 IT IS ORDERED that:

- 6 1. The order to show cause (doc 17) is discharged.
- 7 2. Plaintiff is ordered to, within thirty days from the date of this order, file a  
8 motion for summary judgment and supporting brief.
- 9 3. The Clerk of the Court is directed to send plaintiff a copy of the August 16,  
10 2005 scheduling order, which contains a discussion of what a brief in support of a motion for  
11 summary judgment should contain.

12 DATED: July 26, 2006.

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15 **CRAIG M. KELLISON**  
16 UNITED STATES MAGISTRATE JUDGE  
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